

SFDCCC Candidate Questionnaire

Cynthia Ming-mei Lee
400 McAllister Street, San Francisco CA 94102
(415) 728-5238
(415) 215-3548
mcm1492@sbcglobal.net
San Francisco Superior Court Judge Seat #9
Running for reelection yes
No other elected positions

PART I

Question 1:

I am a registered Democrat.

Question 2:

I have not participated in political activity or made contributions to any political organization over the past twenty years. The California Judicial Code of Ethics forbids judges from participating in political activity that may create an appearance of political bias or impropriety. I am not permitted to speak out publicly and take positions on political issues or potential cases that may come before the courts. Judges are not allowed to endorse non-judicial candidates. I have encouraged individuals to register and exercise their right to vote in general, without any political advocacy.

Question 3:

I am not currently involved in any non-judicial organization. I am a member of the Asian-American Bar Association and the California Judges Association. Before taking the bench, I was involved in the San Francisco Bar Association Legal Referral Panel, taking cases pro bono and represented small business owners and indigent clients in other matters. While in law school, I was a volunteer intern at Community Legal Services in San Jose, representing tenants and persons with consumer issues, under the supervision of an attorney. The services to the community were on a minimal or no fee basis, depending on the financial ability of the client. Early in my legal career, I was the staff attorney for the Queen's Bench Foundation, which conducted research and non-political activity about rape.

Question 4:

I have been endorsed by the following elected officials:
Governor Jerry Brown, Senator Scott Weiner, Former Senator Mark Leno, Assemblymembers David Chiu and Phil Ting, Mayor Mark Farrell, City Attorney Dennis Herrera, District Attorney George Gascon, Sheriff Vicki Hennessey, Board of Supervisor London Breed, Supervisors Aaron Peskin, Katy Tang, Norman Yee, Sandra Lee Fewer, and Jane Kim.

All 50 judges on the San Francisco Superior Court. All justices on the First District Court of Appeals.

Community Alliance for Jobs and Housing, San Francisco Fire Fighters Local 798, San Francisco Police Officers Association, Potrero Hill Democratic Club.

PART II:

Question 1:

A strength of the Superior Court is the dedication of each judge to assuring equal justice and equal access, without regard to political correctness or political currents. As a bench, we are unafraid reach and make the right decision, regardless of the consequences, and are committed to hear and decide each case impartially, without bias or prejudice. Another strength is the diversity in race, ethnicity, gender, age, socio-economic status, sexual orientation. Our court is the most diverse court in all 58 California counties.

The Court is open to innovation and change within our financial constraints and has created and established collaborative courts -Veterans Justice Court, Behavioral Health Court, Community Justice Court, Intensive Supervision Court, Family Treatment Court (Dependency), Juvenile Re-entry Court, to help the community and individuals obtain support and services to deal with drug/mental health, housing, education and family issues, with court support and assistance. These programs were developed in partnership with the community and city/private providers.

We are still under financial constraints and have fewer judges than needed, which hampers our ability to make major changes. We can improve our services by more use of expedited trials and increasing alternative dispute resolution.

Question 2

I have been on the bench for nearly twenty years. I received the Trial Judge of the Year award in 2014 from the San Francisco Trial Lawyers Association. In 2013-2014, I was chosen by my peers to lead the court in a time of severe lack of funding, with the challenge to keep the courthouse doors open ensuring access to justice would be real to all litigants, rich and poor, and to keep our courtrooms staffed with clerks and court operations functioning. I was innovative in founding Veterans Justice Court without any new funding, sponsored e-filing to reduce the paperwork flow handled by clerks and eliminated the backlog of civil trial cases to ensure that litigants got their day in court more rapidly. I instituted mandatory lethality domestic violence training for judges and was recognized by the Commission on the Status of Women for having been the first to have done so. I restored previously cut court services to dependent children and the elderly was the supervising judge in the criminal division in 2011, responsible for managing the criminal calendar and criminal division.

Prior to my appointment, I was a San Francisco Assistant District Attorney for almost 22 years. I was a trial lawyer on the General Litigation, Career Criminal and Sexual Assault trial teams. I was selected to head the Preliminary Hearing Division, Misdemeanor Trial Division, Charging Unit, Juvenile Division, Narcotics Trial Unit. In each of those units, I supervised and mentored other attorneys, several of whom became judges.

Question 3:

As a judge, I have not had to make a judicial decision which I felt violated my moral compass. I have made decisions based on the prevailing law and evidence with which I did not personally agree and I followed the law. As an Assistant District Attorney, I had cases in which I was not convinced of the defendant's guilt. To have gone forward would have violated what I believed was adherence to professional and personal ethics and dismissed the cases.

Question 4:

The California Code of Judicial Ethics limits me in expressing my opinion on specific political issues or on controversies or issues which may come before the court. I cannot offer an opinion which might be interpreted as committing to a particular result or ruling in a particular way in a proceeding. With that in mind, I was involved in early efforts to address alternatives to incarceration. In 2010 I was one of two lead judges in the California Risk Assessment Pilot Program (CALRAPP) in San Francisco. The program incorporated evidence-base practices and developed a risk/needs assessment tool for use in pre-trial release decision making to reduce incarceration before trial, and for sentencing alternatives to incarceration where appropriate. San Francisco was selected to participate in the statewide program to implement evidence-based practices and risk assessment.

The court has collaborated with city agencies and health care providers in Community Justice Court, Veterans Justice Court, Behavior Health Court and other collaborative courts in alternatives to incarceration.

Question 5:

The California Code of Judicial Ethics limits me in expressing my opinion on specific political issues or cases, controversies or issues which may come before the court. Bail impacts individuals who do not have the financial resources to meet the set amount. For low-income communities with fewer resources this will have a greater impact. The Chief Justice of the California Supreme Court established a commission to review concerns about the current system and has issued findings and a report. Our current Presiding Judge Teri Jackson participated on the committee. The state legislature will enact laws which will address these issues, and I hope take into account the report by the Chief's task force. Judges do not legislate laws. The reform will have to change statutes which currently govern bail,

Question 6:

The California Code of Judicial Ethics limits me in expressing my opinion on specific political issues or cases, controversies or issues which may come before the court. Rehabilitation services which include employment skills training and other life skills are offered by the Adult Probation Department. Our collaborative courts (Community Justice Court, Veterans Justice Court, Intensive Supervision Program) offer services which would assist an individual from re-offending. Courts which supervise probation (Domestic Violence court, Behavioral Health Court).

Question 7:

The state court system as a whole does not necessarily reflect the population of California. The San Francisco Superior Court, however, has the greatest diversity among the 58 counties in California. Currently the bench is composed of 20.4% Asian, 8.2% African-American, 12.2% Latino, 59.2% Caucasian judges. The representation by the LGBT community is 8.2% Lesbian and 8.2% Gay. All of the foregoing figures are from self-identification information gathered from the bench. I have and continue to mentor Asian and other minority attorneys, encouraging them to apply for judicial positions. I have made presentations to groups of minority and women attorneys, giving advice on the process.

Question 8:

As a woman of color, my personal experiences with discrimination give me a certain perspective and sensitivity on racial and gender discrimination. I have experienced discrimination based on stereotypes and assumptions because I am a woman of color. I have experienced family-related issues with learning disabilities and the response by educational institutions. As a judge, I am still not immune to experiencing gender or racial discrimination on occasion. That being said, my duty is to decide cases impartially according to the evidence presented and applicable law, and not to permit passion or emotional response influence my decision-making. I am obliged to follow the law and exercise discretion in a lawful and reasonable manner. My perspective may give me a greater understanding of facts presented in a case, but ultimately any decision rests upon the evidence and applicable law.

Question 9:

I have taken implicit bias training as part of my judicial education. I believe it is useful for judges to be self-aware of implicit bias and conscious of it in decision-making and in carrying out duties on and off the bench.

Question 10:

The SF Superior Court has collaborative courts which offer treatment and rehabilitative services to defendants with mental illness or the homeless who are in the criminal justice system. Community Justice Court (CJC) was started in

2009, in collaboration with city agencies, such as the Department of Public Health and drug treatment providers, and community groups. It offers services such as drug/mental health treatment, job training, and support services. Many of the clients in CJC are homeless. The Court also has Behavioral Health Court, created in 2002, to provide wrap-around services to defendants who suffer from mental illness. This court has a treatment team of community service providers, mental health professionals and a continuum of treatment from jail into the community. Additionally, the Court has Veterans Justice Court working with veterans in the criminal justice system on drug/mental health/medical issues and homelessness. All these courts are supervised by SF Superior Court Judges who are part of the treatment team. The goal is to channel individuals with drug/mental health and homeless issues out of the system and into rehabilitation, with collaboration by city agencies and private treatment providers. I believe these courts, which are only some of our collaborative courts are needed and valuable to the community and to the clients. They demonstrate the commitment of the Court to decriminalizing those with drug/mental health and homelessness.

Question 11:

Currently, a civil litigant in family law or housing court does not have a legal right to appointed counsel, as is the case in criminal court. The Court has a self-help center to assist litigants, and there are volunteer attorneys in family court and housing court, provided by the San Francisco Bar Association Justice and Diversity Center (JDC). A litigant may be advised to seek services through the JDC program and obtain representation. In hearing cases, judges are not permitted to provide legal assistance to individuals representing themselves, because to do so would result in the judge acting as that party's attorney, thereby losing the impartiality that judges must maintain.

Question 12:

One of the biggest obstacles to the Court in civil cases is lack of enough courtrooms to try cases. There are eight courtrooms dedicated to civil trials. Criminal cases in which a defendant asserts his/her right to speedy trial takes precedence over all other cases. This means that civil cases are delayed and continued until after the criminal case. We do not have enough courtrooms at the Hall of Justice to keep all criminal cases there. Often courts have lengthy, complicated felony trials, which occupy a courtroom for months, requiring transfer of the case to the civil courthouse. Other obstacles is that there are judicial positions which have not been filled, and our current budget does not support the hiring of new personnel to staff a courtroom.

We have a robust settlement conference program which we have relied on and a new judicial settlement program, to help settle complicated, lengthy cases. The program will likely be expanded. As more judges are appointed, there will be the availability of more cases tried and settling, which will benefit the public.

